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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/047,272 03/24/98 MOETTELI

J 777

LMC1/1025

EXAMINER

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AIR MAIL

LA, A

ART UNIT

PAPER NUMBER

2736

19

DATE MAILED:

10/25/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No. <b>09/047,272</b>	Applicant(s) <b>Moetteli</b>
Examiner <b>Anh La</b>	Group Art Unit <b>2736</b>

Responsive to communication(s) filed on Aug 18, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

Claim(s) 1-7, 9, and 11 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 1, 2, 6, 7, and 11 is/are allowed.

Claim(s) 3-5 is/are rejected.

Claim(s) 9 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### **DETAILED ACTION**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Auty.

Regarding claim 3, Auty discloses a traffic law enforcement system comprising at least two enforcement units (2) reading identifying indicia from passing vehicles, one central computer (62) receiving inputs from the units, the central computer associating a time of the transmission and a location of the source of the identifying indicia such that when the central computer recognizes that an identifying indicia was received which matches another identifying indicia received earlier in time and within a certain period of time (column 6, lines 37-43), the computer calculating the average speed of an alleged vehicle, and comparing the maximum average permissible velocity with the average speed of the alleged vehicle, and determining whether the vehicle exceeded the maximum average permissible velocity (column 6, lines 31-61, col. 31, lines 25-41, and figures 6-7).

Regarding claim 5, the traffic law enforcement system of Auty has a signal being sent to the enforcement unit to cause the capture an image of the vehicle (col. 31, lines 25-52).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auty in view of Pagano.

Regarding claim 4, Auty as modified discloses all the claimed subject matter as set forth above in the rejection of claim 3, and further discloses attachment means (see fig. 1-2), but does not disclose at least one decoy unit. Pagano discloses a system using at least one decoy unit (col. 1, lines 25-35). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include at least one decoy unit to the traffic law enforcement system of Auty as taught by Pagano for the purpose of replacing the enforcement unit by a decoy unit to reduce the cost and permitting the system to provide a deterrent effect.

5. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 1-2, 6-7 and 11 are allowed.

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*Answers to Remarks*

7. Applicant's arguments filed on August 18, 1999 have been fully considered.

Applicant's arguments with respect to claim 3 have been considered but are not found persuasive. Auty does disclose "another identifying indicia received earlier in time and within a certain period of time" in column 6, lines 37-43.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner La whose telephone number is (703) 305-3967. The examiner can normally be reached on Monday--Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703)-305-4717. The fax phone number for this Group is (703)305-3988 .

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Anh Van La  
October 09, 1999

  
DANIEL J. WU  
Primary Examiner  
10/23/99